

allowance per the following remarks, and further points out the counterpart German application is also ready for grant.

As recited in each of Applicant's independent claims 1, 5 and 9, the present invention completely lowers the window of the vehicle door upon the occurrence (or detection) of both the double unlock command and the opening of the vehicle door. Applicant's invention thus advantageously lowers the window immediately upon the user operating the door handle, for example, to open the vehicle door. This allows for a safer opening of the door as the window is immediately driven away from the sealing elements arranged at the top of the door frame so as to minimize any damage thereto.

By contrast, DE '512 requires a separate and additional action by the user after opening the door to cause the lowering of the window. As a result, the method described in DE '512 can damage the sealing elements since the vehicle door is likely already opened before the window is lowered. Moreover, the separate action required by DE '512 is often uncomfortable for the user to implement.

Referring to Figure 2 of DE '512 (translated version attached hereto), two operating modes are described for the user to enter the vehicle. In the right hand branch 12, the door is unlocked and, afterwards, opened by the user operating the door handle. After entering into the vehicle, the door is then closed. Importantly, no movement of the window occurs in this operation even though the door has been opened by the user operating the door handle.

In the left hand branch 13 of Figure 2, however, the door is first unlocked and, afterwards, the door handle is operated or actuated for at least one complete

second, whereafter the door's window is then automatically lowered into its lowest position. Afterwards, the user enters the vehicle interior and closes the door such that the window is automatically closed.

As is clearly evident from the operation described in Figure 2 of DE '512, the user is required to perform a separate actuation of the door handle for a defined time period. This additional actuation, such as holding the door handle in an open position for an extended period of time, may be uncomfortable to the user, especially in the event the door is swinging open at the same time. By contrast, Applicant uses the "double unlock command" which is much simpler for the user.

On page 3 of the Office Action, the Examiner maintains that DE '512 provides a control device to "completely lower the window of the vehicle door when an unlock command has been received and the vehicle door has been opened simultaneously". Of course, this is not correct as clearly shown in the right hand branch 12 of Fig. 2. There, an unlock command was received and the vehicle door opened and yet the window was not completely lowered. Rather, as noted above, DE '512 requires a separate additional actuation such as by operating the door handle for an extended time period to cause the lowering of the window. This has disadvantageous effects noted above.

Moreover, by requiring the user to operate the door handle for the extended period of time to automatically lower the window, the door will generally already open before the window is lowered even a minimal amount. Hence, the user may open the door at a phase where the window is still in

contact with the top sealing element of the door frame such that the sealing element may be damaged.

In Applicant's invention, on the other hand, the window is lowered immediately when the user signals the opening of the vehicle door, such as by moving the door handle. This immediately drives the window away from the sealing elements before the door itself is swung-open away from the sealing elements. Hence, Applicant submits independent claims 1, 5 and 9 are patentable over DE '512.

For the foregoing reasons, Applicant submits claims 1-9 are patentable over DE '512. An early notice to that effect is solicited.

Summarizing, Applicant has made an important contribution to the art to which the present subject matter pertains, for which no counterpart is shown in any of the art or combination of same. The invention is fully set forth and carefully delimited in all claims in this case. Under the patent statute, Applicant should not be deprived of the protection to which he is entitled for this contribution. Accordingly, it is respectfully requested that favorable reconsideration and an early notice of allowance be provided for all remaining claims.


If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit  
Account No. 05-1323 (Docket #951/49628).

Respectfully submitted,

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